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Attorneys for Plaintiff

JOHN A. MOFFETT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JOHN A. MOFFETT,

Plaintiff,

vs.

SMF SYSTEMS CORPORATION, a  
Maryland corporation; TOM  
CAFFREY; RUBY CAFFREY; DOE  
CORPORATIONS 1-20; DOE  
PARTNERSHIPS 1-20; DOE  
ENTITIES 2-10; JOHN DOES 1-20;  
JANE DOES 1-20; DOE  
GOVERNMENTAL AGENCIES 1-20,

Defendants.

CIVIL NO. 03-00130 MRL/BMK

PLAINTIFF JOHN A. MOFFETT'S  
NOTICE OF ORDERING  
TRANSCRIPTS; CERTIFICATE OF  
SERVICE

TRIAL: SEPTEMBER 19, 2005  
JUDGE: HON. MANUEL L. REAL

**PLAINTIFF JOHN A. MOFFETT'S NOTICE OF ORDERING TRANSCRIPTS**

Pursuant to Fed. R. App. P. Rule 10(b) and 9th Cir. Circuit Rule 10-3.1, John A. Moffett hereby gives notice that he intends to order the following transcripts for the record on appeal, and is arranging for those proceedings on ESR Tape to be transcribed:

**Trial Transcripts**

<b>Hearing Date</b>	<b>Court Reporter</b>	<b>Proceeding</b>
September 19, 2005	Cynthia Tando Fazio	Opening Statements (Judge Manuel L. Real)
September 19, 2005	Cynthia Tando Fazio	Jury Selection and Jury Trial (Judge Manuel L. Real)
September 20, 2005	Cynthia Tando Fazio	Further Jury Trial (2nd Day) (Judge Manuel L. Real)
September 21, 2005	Cynthia Tando Fazio	Further Jury Trial (3rd Day) Bench Trial on ERISA Issues (Judge Manuel L. Real)
September 22, 2005	Cynthia Tando Fazio	Further Bench Trial on ERISA Issues Closing Arguments on ERISA Issues (Judge Manuel L. Real)

**Pretrial Proceedings**

<b>Hearing Date</b>	<b>Court Reporter</b>	<b>Proceeding</b>
March 11, 2005	ESR TAPE (C6CD 2:07-2:33)	Hearing on Plaintiff's Motion to Compel Production of Documents by Defendants SMF Systems Corporation, Tom Caffrey, and Ruby Caffrey (Magistrate Judge Kurren)

Hearing Date	Court Reporter	Proceeding
May 3, 2005	ESR TAPE	Final Pretrial Conference (Magistrate Judge Kurren)
May 17, 2005	Stephen Platt	Status Conference regarding Trial Date, etc. (Judge Manuel L. Real)
August 30, 2005	Cynthia Tando Fazio/ Stephen Platt	Hearing on Defendants SMF Systems Corporation, Tom Caffrey and Ruby Caffrey Motion for Summary Judgment Hearing on Defendants Tom Caffrey and Ruby Caffrey's Motion for Partial Summary Judgment Final Pretrial Conference (Judge Manuel L. Real)
September 19, 2005	Cynthia Tando Fazio	Hearing on Various Motions in Limine (Judge Manuel L. Real)

DATED: Honolulu, Hawaii, January 13, 2006.

/s/ Dawn T. Sugihara

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Maryland corporation; et al.,

Defendants.

CIVIL NO. 03-00130 MRL/BMK

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was duly served on this date  
upon the following person(s) at the address(es) listed below by the means  
indicated:

	Mail	Hand Delivery	ECF
LYNNE T. T. TOYOFUKU, ESQ. NICHOLE K. SHIMAMOTO, ESQ. Marr Hipp Jones & Wang 1001 Bishop Street, 1550 Pauahi Tower Honolulu, HI 96813			✓

H. CLYDE LONG, ESQ. 950 Risa Road, 2 <sup>nd</sup> Floor LaFayette, CA 94549	✓
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Attorneys for Defendants

DATED: Honolulu, Hawaii, January 13, 2006.

/s/ Dawn T. Sugihara  
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